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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,071	04/10/2001	Raizo Kuge	H01-4730	7421

466 7590 08/12/2003

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EXAMINER

HARMON, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 08/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/829,071

Applicant(s)

KUGE ET AL.

Examiner

Christopher R Harmon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the separation of two halves into upper and lower flat films must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in—  
an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ouchi (US 6,068,585).

*EX*

Ouchi disclose a method of producing a ~~good~~ packing bag including pair of flat films 11 and 16 moving in a longitudinal direction; inserting side films 12 in a

perpendicular direction not extending to a longitudinal edge of flat films 11 and 16; supplying zipper 14; see figure 8. Flat films 1 and 2 are kept apart while forming gores and are sealed to each other away from gores.

4. Claim 15 is rejected under 35 U.S.C. 102(e) as being anticipated by Broenstrup (US 6,425,847).

Broenstrup discloses a method of producing a gusseted bag comprising separating and transferring flat films 1 and 3, inserting side films 14 between opposing films 1 and 3 transversely to the feed direction, sealing flat films 1, 3 and side films 14 at welder 29 to form strip film, forming an open surface on side film 14 by tucking at a crease and folding corners 17 at the end of side film 14 in an inward direction, and cutting film by cutter 33; see figures 1a and 1b. V-shaped bottom film 21' is further sealed to flat films 1 and 3. Strip film is cut along cutting line 31 forming individual bags adjacent to one another.

Side films 14 are in the shape of two V-shaped films opposing one another by folding ends 10 and 12 to a center-line; see figure 1a. The films form "boat shapes" with convex edges 17'.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

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the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouchi (US 6,068,585) in view of Broenstrup (US 6,425,847).

Ouchi do not directly disclose means for moving flat webs apart and tucking in gores however Broenstrup teach folding mechanism 23 for moving flat webs apart and back together, tucking in gores; see figure 8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Broenstrup in the invention to Ouchi for forming a desired gore.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broenstrup (US 6,425,847) in view of Richison et al. (US 5,147,272).

Broenstrup does not disclose severing the films in a longitudinal direction midlength of side films, however Richison et al. teach forming gusseted bags with a midlength separation; see figure 10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to duplicate the end forming invention of Broenstrup by using the teachings of Richison et al. and form adjacent bags for faster production.

8. Claims 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouchi (US 6,068,585) in view of Broenstrup (US 6,425,847) as applied to claims 12-18 above, and further in view of Richison et al. (US 5,147,272).

The modified invention to Ouchi does not disclose cutting/separating from one web two separate webs to become opposing flat films, however Richison et al. teach a

similar method of producing bags by providing web 270 and separating it by cutter 271 into two separate webs 273 and 274 for becoming upper and lower flat films of package 310; see figure 9. Richison et al. also teach separating webs at midlength of side films; see above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the teachings of Richison et al. in the modified invention to Ouchi in order to increase production speed.

### ***Response to Arguments***

9. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Harmon whose telephone number is 703-308-8643. The examiner can normally be reached on Monday-Thursday from 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 703-308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703- 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ch  
August 2, 2003



**EUGENE KIM  
PRIMARY EXAMINER**